



THE U.S. PATENT AND TRADEMARK OFFICE

In re ~~U.S. Patent~~ Application of:

APPLICANT: Timo Rantalainen

SERIAL NO.: 10/043,926

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EXAMINER: Doan, Kiet M.

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TITLE: METHOD AND APPARATUS FOR REDUCING PREMATURE
TERMINATION OF MOBILE STATION LCS PROCEDURE DURING RR
OPERATIONS

PRE-APPEAL BRIEF REQUEST FOR REVIEW ATTACHMENT

The following is a concise recitation of clear error in the Examiner's rejections in this application.

1. Claim 1 recites:

1. A method for operating a mobile station in cooperation with a network operator, comprising:

upon an occurrence of a RR procedure, including HO and CRS, that affects the mobile station, **determining if a location procedure is ongoing in the mobile station;** and

if it is, completing the location procedure and reporting measurement results in a message from the mobile station **to a target radio network controller.** (emphasis added)

Applicants resubmit, in their entirety, the arguments put forth in the Response of April 24, 2006 at page 10, line 1 to page 10, line 28 pertaining to the Examiner's assertion that Demetrescu et al. disclose determining if a location procedure is ongoing in the mobile station as claimed. Specifically, Applicants reassert that Demetrescu et al. do not teach, at the Examiner's citations or elsewhere, determining if a location procedure is ongoing in the mobile station as claimed. As noted previously, there is no mention at the Examiner's citations of determining if a location procedure is ongoing upon an occurrence of a RR procedure. In fact, there is no mention of a location procedure. A text search of Demetrescu et al. similarly reveals no instances of the words "location" or "position".

Likewise, Applicants respectfully resubmit, in their entirety, the arguments put forth in the Response of April 24, 2006 at page 10, line 29 to page 11, line 28 pertaining to the Examiner's assertion that Ida et al. disclose determining if a location procedure is ongoing in the mobile station as claimed. Specifically, while Ida et al. disclose transmitting location information from a mobile station to a base transceiver station when a received signal quality is sufficiently low, Ida et al. do not disclose **determining** if a location procedure is ongoing in the mobile station as recited in claim 1. For this reason alone, claim 1 is in condition for allowance.

2. In the final Office Action of January 26, 2006, the Examiner rejected claims 1, 15, and 29 as being unpatentable over Demetrescu et al. (6,647,262) in view of Ida et al. (Pub. No. 2002/0082036). The Examiner asserted that "Demetrescu et al. teaches the limitation as discuss but fail to teach and if it is, completing the location procedure and reporting measurement results in a message from the mobile station to a target radio network controller." The Examiner further asserts that Ida et al. teach "and if it is, completing the location procedure and reporting measurement results in a message from the mobile station to a **target radio network controller.**" (emphasis added).

Applicants resubmit, in their entirety, the arguments put forth in the Response of April 24, 2006 at page 8, line 21 to page 9, line 33 pertaining to this issue. Specifically, Applicants have argued that Ida et al. do not teach a target network radio controller and, hence, do not teach reporting measurement results in a message from the mobile station to a target network radio controller as recited in claim 1.

By way of summarizing the above referenced argument, Applicants note that claim 1 recites reporting measurement results to a target network radio controller. At the Examiner's citation of Fig. 16 of Ida et al., element No. 4 is described as a "base transceiver station control apparatus (RNC)". As is evident, Ida et al. do not disclose a target radio network controller. As Ida et al. teach at paragraph [0053] (describing Fig. 16):

When however the mobile station moves and changes its present location and, as in the case of the illustrated mobile station 3, enters a region 5

where it can communicate with both the base transceiver station (B) 2 and the base transceiver station (C) 2, the radio channel with the base transceiver station currently used by the mobile station 3 has to be switched from the base transceiver station A to the base transceiver station B or from the base transceiver station A to the base transceiver station C. This switching is mainly determined by the base transceiver station host equipment 4 in accordance with the magnitude of the levels of reception of the signals from the base transceiver stations 2 at the mobile station 3. **At the time of switching, the same data is transmitted from the base transceiver station (A, B (or A, C) etc) to the same mobile station. This state is called "handover".** In particular, in a CDMA system, "soft handover" where there is no break in the sound during conversation is possible. **The present invention relates to control of the downlink transmission power to a mobile station at the base transceiver stations in the middle of such handover.**

As is evident based on the totality of the description of Ida et al., Ida et al. teach an inter-RNC handover. As a result, Ida et al. teach neither a source RNC or a target RNC. As a result, Ida et al. fail to disclose the recited element "target radio network controller." For this reason alone, claim 1 is in condition for allowance.

In the Advisory Action of May 22, 2006, the Examiner made no mention of or reference to this factual assertion of the Applicants. Instead, the Examiner once again repeated, verbatim, (albeit with different citations) the previous assertion that Ida et al. disclose "completing the location procedure and reporting measurement results in a message from the mobile station to a target radio network controller (Paragraphs [0026-0027, 0058]" Applicants respectfully assert that the Ida et al. do not teach at the above citations, or elsewhere, reporting measurement results in a message from the mobile station to a target network radio controller as recited in claim 1. Once again, for this reason alone, claim 1 is in condition for allowance.

3. As both claims 15 and 29 recite limitations similar to those discussed above with reference to claim 1, claims 15 and 29 are likewise in condition for allowance. As noted previously, all of the dependent claims are patentable as well whether or not the disclosures of Demetrescu et al. and Ida et al. are further combined with the disclosure of Fried et al. alone or in combination with the disclosure of Parmar et al.